



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 16-1061, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Workers' Compensation Claim

C.P. No.: 2013-29890

Claimant: Francisco Cuevas

Claimant's Attorney: Edward A. Berger, Esq.

Attorney's Address: 50 Park Place, Suite 1100, Newark, New Jersey 07102

Settlement Amount: \$27,603.00

Funding Source: Insurance Fund Trust

Additional Comments:

Invitation: Corporation Counsel, August 2, 2016

WHEREAS, the Petitioner, Francisco Cuevas, instituted suit in the Division of Workers' Compensation of New Jersey, Middlesex County, bearing C.P. Number 2013-29890 against the City of Newark seeking workers' compensation benefits as a result of an accident that he sustained on October 27, 2013 while working for the City of Newark; and

WHEREAS, following settlement negotiations through Petitioner's attorney, Edward A. Berger, Corporation Counsel and/or his designee, Martin M. Glazer ("Outside Counsel") has agreed to amicably resolve and settle this matter under Section 22 of the Workers' Compensation Act (N.J.S.A. 34:15-22) by payment in the amount of Twenty-Four Thousand Three Hundred Eighty-Seven Dollars and Zero Cents (\$24,387.00). Pursuant to the terms of the Settlement Order to be executed by the Judge of the Division of Workers' Compensation, the City of Newark will also pay an attorney fee of Two Thousand Nine Hundred Twenty-Six Dollars and Zero Cents (\$2,926.00), a medical evaluation fee of Two Hundred Dollars and Zero Cents (\$200.00) and a transcription fee of Ninety Dollars and Zero Cents (\$90.00) for a total settlement of Twenty-Seven Thousand Six Hundred Three Dollars and Zero Cents (\$27,603.00); and

WHEREAS, this settlement is subject to approval by the Judge of the Division of Workers' Compensation; and

WHEREAS, the total settlement amount may be subject to minor changes in the amount or distribution at the time the Settlement Agreement is approved and the Settlement Order executed by the Judge of the Division of Workers' Compensation; and

WHEREAS, the Municipal Council believes it is in the best interests of the City of Newark, that minor changes to the amount of the settlement and distribution shall not require subsequent Municipal Council approval provided the settlement amount is not increased or decreased above \$500.00 and all the terms and conditions are substantially the same as authorized by the resolution; and

WHEREAS, based upon all of the facts and circumstances surrounding this matter, Corporation Counsel and/or Outside Counsel deem it is in the best interest of the City of Newark to accept said settlement in the total amount of Twenty Seven Thousand Six Hundred Three Dollars and Zero Cents (\$27,603.00).

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The settlement of the Workers' Compensation matter bearing C.P. Number 2013-29890 is hereby approved.

2. Upon receipt by the Corporation Counsel and/or Outside Counsel of all supporting documents, the Director of Finance is hereby authorized and directed to issue checks in the amounts as follows:

a) \$22,236.00 (Twenty-Two Thousand Two Hundred Thirty-Six Dollars and Zero Cents) made payable and mailed to Francisco Cuevas, 79 McGuire Street, Metuchen, New Jersey 08840. (It is understood that pursuant to the terms of the Settlement Order to be entered by the Judge of the Division of Workers' Compensation, \$1,951.00 (One Thousand Nine Hundred Fifty-One Dollars and Zero Cents) is being subtracted from the Petitioner's award to pay attorney fees and \$200.00 (Two Hundred Dollars and Zero Cents) is being subtracted to pay for medical evaluations in accordance with the settlement provisions.

(b) \$4,877.00 (Four Thousand Seventy-Seven Dollars and Zero Cents) made payable to Edward A. Berger, Esq., 50 Park Place, Suite 1100, Newark, New Jersey 07102.

(c) \$400.00 (Two Hundred Dollars and Zero Cents) made payable to Dr. Morris Horwitz, 175 Cedar Lane, Teaneck, New Jersey 07666.

(d) \$90.00 (Ninety Dollars and Zero Cents) made payable to John F. Trainor, Inc., 4573 S Broad Street, Suite 110, Hamilton, New Jersey 08620.

3. Attached hereto are the Certifications of the Comptroller of the City of Newark which state that there are available sufficient legally appropriated funds for the purpose set forth hereinabove and which state that the line appropriation of the official budget which shall be charged is Business Unit NW024, Dept. ID 24T, Div./Proj. 5T24, Account Code 96310. A copy of the Comptroller's Certifications shall be filed by the Corporation Counsel in the Office of the City Clerk along with a copy of this resolution.

STATEMENT

This resolution authorizes the Corporation Counsel or his designee, Martin M. Glazer, on behalf of the City of Newark, to effectuate settlement by entering into an Order Approving Settlement of a Workers' Compensation claim in the amount of \$27,603.00 (Twenty-Seven Thousand Six Hundred Three Dollars and Zero Cents) brought by Francisco Cuevas, 79 McGuire Street, Metuchen, New

Jersey 08840 and represented by Edward A. Berger, Esq. who suffered injuries arising out of an accident that occurred on October 27, 2013 while he was employed by the City of Newark.